UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1992/SR.39
27 February 1992

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Forty-eighth session

SUMMARY RECORD OF THE 39th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 24 February 1992, at 10 a.m.

Chairman: Mr. SOLT (Hungary)

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The meeting was called to order at 10.15 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(b) SITUATION OF HUMAN RIGHTS IN OCCUPIED KUWAIT

(agenda item 12) (continued) (E/CN.4/1992/3-4, 25-26, 27 and Corr.1, 28 and Add.1, 29, 30 and Add.1, 31-37, 60, 64, 67-68 and 72; E/CN.4/1992/CRP.1-2; E/CN.4/1992/NGO/2, 5, 10, 13, 19, 24 and 34; E/CN.4/1991/24, 27-31, 33 and Add.1 and 34-36; A/46/446, 529, 542, 544 and Corr.1, 606 and 647)

1. Ms. KADJAR-HAMOUDA (International Federation Terre des Hommes) said that her organization was deeply concerned about the current situation in Zaire where the hopes that had been kindled by the incipient democratization process had been cruelly dashed. The Government had since resumed control of all the levers of power and had launched attacks against the opposition and the press, thereby creating a climate of instability and violence. The population had no recourse in the face of the violence. In fact, the offices of many non-governmental organizations working on behalf of peasants and the poorest classes had been sacked or burnt.

2. In the view of her organization, both the current climate of violence and the difficult economic situation were the result of the absence of democratic structures, arbitrary actions and the corruption of the current political leadership.

3. In the Philippines, despite the passage of a resolution by the Presidential Human Rights Committee, the tragic situation of the internal refugees, including women and children, had not improved. Refugees were fleeing into increasingly more remote mountain regions, living in caves and feeding on wild plants. The infectious diseases they brought with them threatened the indigenous tribes with extinction. Those refugees who fled into the valleys were rounded up by the military who treated them as surrendering rebels.

4. The military practice of encircling populations and blocking the delivery of food and medicine had intensified, following its legalization by the Government in November 1991. Disease and severe malnutrition, particularly among children and their mothers, had increased sharply in communities that were thus cut off from the world. Non-governmental organizations attempting to deliver food and medicine, or seeking information on the situation, were denied access. In addition, human rights defenders were still the object of threats and attacks by insurgents, the military or vigilantes.

5. Only a process of dialogue and a ceasefire accepted by all the parties could offer a way out of the current impasse. Human rights must be respected by all and the underlying causes of the poverty and glaring inequalities in the Philippines should be corrected in order to preserve the young democracy.

6. For its part, Guatemala had been devasted by war and internal conflict and a large part of the population had become refugees inside or outside the country. Entire communities had been destroyed and the power of the army was still total and unconditional. Those guilty of human rights abuses enjoyed immunity on account of the pressure brought to bear against the judiciary, whose investigations were systematically blocked.

7. In terms of the economy, four fifths of the population lived in extreme poverty and an increasing number of children were dropping out of school to help support their families. Meanwhile, systematic violence against street children continued and, to complete that bleak picture, the cholera epidemic had reached Guatemala in July 1991.

8. The Commission had repeatedly reaffirmed the link between democracy, development, peace and human rights. She therefore hoped that the situations which she had brought to its attention would be the subject of firm resolutions and decisions.

9. Mr. RYDER (International Confederation of Free Trade Unions) said that the process of democratization that had continued in various regions of the world over the previous year, though welcome, did not provide a sufficient guarantee that the full exercise of trade-union rights would not be subject to abuse.

10. In Africa, his organization had been struggling with limited success to put an end to situations that had prevailed for many years in much of the continent, whereby all unions were forced to belong to a single permitted monopoly union structure, which was typically linked to a single ruling party. Where African trade unions won the right to organize, they often faced enormous difficulties in carrying out their activities due, particularly, to inadequate labour-relations legislation and the lack of appropriate industrial-relations institutions.

11. Some Governments, when confronted by organized workers acting together to promote their legitimate interests, engaged in outright repression, as in the case of the Central African Republic, where trade-union activities had been banned entirely from 1981 to 1990. While the democratization process in Africa was proving difficult, there was growing recognition of the leading part played by trade unions in that process as well as increased understanding of the fact that respect for their basic rights was crucial to its ultimate success.

12. Experience in the Americas had vividly shown that gross violations of trade-union rights could be committed with impunity under conditions of formal democracy. Latin America was still the most dangerous continent in which to be a trade unionist. In Colombia, the trade-union movement had been subjected over the previous six years to acts of cruel repression. In El Salvador, the recent peace agreement brought hope that the authorities would act promptly and effectively to end the violent repression of trade unionists and would agree to an ILO direct contacts mission being sent to investigate numerous cases of extreme and violent repression.

13. Elsewhere in Central America, violent human rights abuses continued in Guatemala, with trade unionists prominent among the victims. His organization took the view that the situation required continued examination under the current item of the Commission's agenda.

14. For their part, the Cuban authorities had regrettably seen fit to resist the general global tendency towards democratization and respect for basic rights. His organization had consistently condemned the denial of trade-union freedoms under the current regime in Havana and, in particular, had drawn attention to the blanket denial of the right to organize through the monopoly union status enjoyed by the State-organized and controlled Cuban Workers Centre.

15. That situation had recently been challenged by the establishment of an independent and democratic union centre, UGTC. In January 1992, however, the President of UGTC had been violently assaulted by a mob participating in a Government-staged "acto de repudio". Despite those circumstances, his organization believed that the Cuban authorities had an opportunity to demonstrate respect for the basic rights of working people to organize by responding favourably to the application for registration submitted by UGTC in accordance with Cuban law.

16. The trade-union situation in Asia and the Pacific continued to be overshadowed by the denial of all trade-union rights to millions of working people by the Government of China. Similar circumstances prevailed in Myanmar. Nevertheless, his organization was encouraged by the fact that, in both countries, working people were again taking courageous initiatives to organize themselves in independent trade unions, despite the murderous reaction of the respective Governments to previous attempts.

17. In Thailand, the authorities that had come to power following the military coup of February 1991 had taken swift action to repress the country's trade-union movement, despite initial assurances of its commitment to respect basic rights.

18. In Fiji, the situation had deteriorated further with the issuing of three decrees and a set of regulations in October 1991, with the clear intent of depriving the Fijian labour movement of its capacity and right to represent the interests of its members. The decrees clearly violated explicit understandings made by the Fijian authorities, following an ICFTU mission to the country in October 1989, that trade-union rights would be fully restored and that reviews of industrial relations laws and procedures would respect ILO standards.

19. Ms. GUNSON (National Aboriginal and Islander Legal Services Secretariat) said that the brutal siege imposed by the Government of Papua New Guinea on the island of Bougainville had resulted in the death of 5 per cent of the population through lack of medical supplies, the destruction of thousands of village homes by the Papua New Guinea Defence Force, and the total destruction of all social, economic and political infrastructures. Her organization was concerned that, through its supply of arms, training and intelligence to Papua New Guinea, Australia was an accomplice in the human rights violations committed in Bougainville.

20. The recent report compiled by the Australian Federal Parliament's Joint Committee on Foreign Affairs, Defence and Trade clearly revealed the underlying causes of the tragic human rights situation in Bougainville. It pointed out that the discovery of copper on Bougainville in the 1960s and development of the Panguna mine had always been accompanied by controversy and landowner resistance. Dissatisfaction and conflict had continued until 1988, when violence had again broken out and militants had taken control of the province after forcing the closure of the mine.

21. The report stressed that Bougainville had always had only tenuous relations with Papua New Guinea and that the Australian administration, had had no sympathy for secessionist feelings, which it attempted to suppress because of the revenues from the mine. Her organization urged the Commission to make Papua New Guinea aware of its responsibilities under international law to protect and promote human rights.

22. She also wished to remind the Commission of a forgotten situation of human rights violations in Aceh, a northern province of Indonesia, whose people lived in constant fear and where the death toll was estimated to range from several hundred to 2,000.

23. As for the situation in East Timor, the international community had been jolted by the television pictures of young children, students and women being gunned down by well-armed and disciplined troops on 12 November 1991. That massacre, was not an isolated incident, however, but formed part of a pattern of officially sanctioned violence against the people of East Timor over the previous 16 years. In fact, eyewitness reports indicated that human rights violations had since continued unabated. The appointment of a National Commission of Enquiry was a publicity gimmick, aimed at defusing the growing international pressure on the brutal military regime in Indonesia.

24. She urged the Commission to recognize the gross violations of human rights occurring daily in the region concerned and to take appropriate action to bring pressure to bear on those responsible to cease their atrocities, so that the peoples of the region could enjoy the fundamental human rights and dignity set forth in the Charter.

25. Mr. VILLASMIL (International Union of Young Christian Democrats (UIJDC)) said that, more than one year after the end of the Gulf conflict, the Iraqi regime showed absolutely no sign of rectifying its policy of repression. Several international organizations had confirmed that it was the very nature of the Iraqi State which made it repressive and inhuman. Consequently, there could be no new international order nor any genuine improvement in international relations while Saddam Hussein and his regime remained in power.

26. Saddam Hussein had committed crimes against peace, war crimes, crimes against the environment, and, in particular, crimes against millions of innnocent Iraqis, Iranians, Kurds and Kuwaitis and against Shi'ites from other countries. In fact, his regime had coldly and calculatedly spilled between 6 and 8 million barrels of petroleum into the waters of the Gulf, thereby producing the worst environmental disaster in the history of mankind.

27. UIJDC wished to draw particular attention to the plight of young people and children in Iraq, whose future had been seriously jeopardized by the irresponsibility of Saddam Hussein in refusing to implement the relevant resolutions of the Security Council which sought to provide humanitarian relief for the civilian population. Indeed, since the end of the conflict, infant mortality in the country had increased by 360 per cent. Saddam Hussein deserved to be put on trial for his crimes and UIJDC was certain that the Charter provided for such action.

28. Turning to Cuba, he said that his organization had been one of the first to denounce the totalitarian nature of that tropical communist paradise. As in the case of Iraq, the main problem lay in a legal, social, economic and political organization which denied the human potential of the Cuban people. One of the most serious crimes had been the comprehensive indoctrination in Marxism-Leninism to which Cuban youth and children were subjected. Young people in Cuba had no prospects for social advancement or studies outside the framework laid down by the Communist Party. Informing and betrayal were patterns of behaviour encouraged by the system and it was impossible to hold or spread non-socialist views.

29. In 1991, the Government had introduced a new form of repression known as "Rapid Response Brigades" and "Rapid Action Detachments" to control those individuals who expressed discontentment with the regime. Meanwhile, in both secondary schools and universities, indoctrination and repression continued.

30. His organization therefore called on the international community to defend the right of the Cuban people to live in freedom and democracy under a Government freely elected by the people and with pluralist structures at all levels of society. Only such a regime could permit every young Cuban freely to choose his or her own destiny.

31. Mr. LAU Shan-Ching (International Fellowship of Reconciliation) said that, in view of the many human rights abuses practised by the Government of China, the Commission had a role to play in examining more closely the human rights situation in that country.

32. He himself had supported the 1979-1981 Democracy Movement and, in December 1981, had travelled from his home in Hong Kong to Guangzhou to visit the families of dissidents who had been arrested nine months previously. At Guangzhou, he had been arrested by men in civilian clothes and detained without charge. Eight months later, he had been charged with "doing propaganda for counter-revolutionary activities".

33. At his trial in February 1983, he had been found guilty and sentenced to the maximum period of 10 years' imprisonment even though no evidence had been brought and he had denied all the charges against him. Prison conditions, of which he gave details, did not meet the minimum international standards and he had been frequently punished by solitary confinement and having to wear leg irons, because he had refused to confess. He had decided to inform the Commission of his experience, since there were few former political prisoners in a position to do so.

34. His organization appealed to the Government of China to live up to its obligations as a Member of the United Nations and to modify its unjust practices. It also appealed to the Commission to keep the situation of justice in China under close review.

35. Ms. SANCHEZ (Latin American Federation of Associations of Relatives of Disappeared Detainees) said that the report on summary or arbitrary executions (E/CN.4/1992/30) reflected the reality of many countries throughout the world. She concurred fully with the Special Rapporteur's findings that arbitrary and summary executions tended to affect people from a variety of backgrounds but who opposed the Government in some way; that they were common in troubled regions where human rights in general were flagrantly violated; and that there was a close correlation between summary or arbitrary executions and enforced disappearances and other violations of human rights.

36. In El Salvador, the Mothers and Relatives of Disappeared Detainees had welcomed the coming of peace but, even in 1991 when the negotiations were taking place, human rights violations had continued and, in January 1992, five summary executions, three disappearances and four abductions had been reported among other violations.

37. It was to be hoped that the fate of the 8,000 people who had disappeared and the 65,000 who had been murdered would be examined and that the Law of National Reconciliation would not mean impunity for those guilty of human rights violations. Although the agreement reached between the Government and the Frente Farabundo Martí de Liberación Nacional (FMLN) under the auspices of the United Nations was by no means perfect, it was to be hoped that it would be successful and not a repetition of the Guatemalan experience of 1986. For that reason, the situation in El Salvador should continue to be considered under item 12 of the Commission's agenda with a Special Representative for yet another year.

38. In Colombia in 1991, there had been 180 disappearances, some summary executions and reports of torture. The Inter-American Commission on Human Rights had adopted resolutions in September 1991 declaring the Colombian State to be responsible for certain of those disappearances and extrajudicial executions. The Commission should take note of that situation and encourage the dialogue that had begun in Venezuela between the Government of Colombia and the Coordinadora Guerrillera "Simón Bolívar" with the aim of putting an end to the violence and repression.

39. The situation of the Cuban people gave cause for concern. The economic and trade embargo imposed by the United States Government had had serious consequences, particularly for children and young people. It had also harmed the economy of Cuba and violated principles of international law. Statements by its President indicating that Cuba would be prepared to enter into negotiations if the United States Government was also prepared to do so should be taken into account, and no effort spared to find a solution which would end the suffering of the Cuban people.

40. In Peru, the climate of violence and repression continued. For several years it had been one of the countries with the largest number of enforced disappearances and, until there was genuine political will to end impunity,

human rights violations would continue in the future. As a Peruvian general had said, the solution to the conflict in Peru lay not in counter-insurgency operations but in resolving the social and economic problems facing the Peruvian people.

41. Ms. de MARTINEZ (Latin American Federation of Associations of Relatives of Disappeared Detainees) said that the social, economic and political conditions in Mexico had given rise to popular opposition movements which had met with repression from the Government. In recent years there had been hundreds of assassinations and over 800 disappearances. Amnesty International, in its report on Mexico published in 1991, confirmed that torture was institutionalized in that country. Hundreds of people, for the most part indigenous people and peasants, had been imprisoned for political reasons.

42. Ms. GARCIA (Latin American Federation of Associations of Relatives of Disappeared Detainees) said that, one year after President Serrano of Guatemala had promised to set up an investigative commission, nothing had yet been organized. During 1991, 838 extrajudicial killings and 162 disappearances had been reported. Since 11 February 1992, while the Commission had been sitting, 69 extrajudicial executions and 7 enforced disappearances had been reported.

43. That was indeed a matter of concern in view of the fact that the Guatemalan police force received training from Venezuela, Spain, the United States and Chile. The international community had given President Serrano a year in which to put an end to human rights violations. Since that had not been done, the Commission should examine the situation in Guatemala under its agenda item 12 and appoint a special rapporteur for that purpose.

44. Mr. MAS CANOSA (International Association of Educators for World Peace) said that he was grateful for the opportunity to speak in defence of human rights, a right denied him by the Government of Cuba. That Government systematically violated all the human rights contained in the Universal Declaration of Human Rights, as had been proved by the prison sentences handed down to Daniel and Tomas Azpillaga Lombard, who had convened a peaceful demonstration to demand the release of Cuban political prisoners.

45. Likewise, Angela Herrera had been persecuted for being black and for being a respected leader of the democratic opposition movement within Cuba. On 6 January 1991, 21 leaders of the Cuban Democratic Coalition had been arrested. Cuban political prisoners were in danger of being shot without trial, were mistreated in prison and, when released from prison, forbidden to leave the island.

46. The right to a life without fear did not exist in Cuba. The mere expression of discontent was collectively punished in that family members lost their jobs, children were expelled from school, and the family lost its ration books. The isolation of citizens from society was one of the most obnoxious and cruel ways of treating a human being. Unfortunately, that was the way of life for the people of Cuba. Many of them had been imprisoned since they had

told the truth to United Nations representatives in Havana. The people of Cuba hoped that the new world order and the new United Nations would be in keeping with the Charter, which reaffirmed faith in fundamental human rights and in the dignity and worth of the human person.

47. Mr. MARKIDES (Cyprus) said that the Republic of Cyprus and its people had been suffering since the military invasion by Turkey in 1974, which had led to the occupation of 37 per cent of its territory by the armed forces of Turkey. Greek Cypriots who had been deprived at that time of their homes and properties, were still prevented from returning to them. There had been a concerted effort in the occupied territory to change the demographic balance by means of a large-scale transfer of settlers from Turkey.

48. The fact that the situation was once again being debated in the Commission on Human Rights was a sad commentary on the ineffectiveness of regional and global mechanisms for the protection of human rights. The Commission not only had the duty to keep itself informed of the situation of the human rights and fundamental freedoms of the people of Cyprus but also the responsibility to take appropriate action.

49. While the Commission could be helpful in seeking solutions to the political issues involved, the assertion that political solutions were the only answer to questions of human rights violations would be tantamount to a negation of the organ's very raison d'etre. No political consideration should prevent restoration of an individual's human rights and fundamental freedoms.

50. Despite encouraging signs reported by the representatives of the United Nations Secretary-General who had been to Ankara, Athens and Nicosia in attempts to reopen negotiations on the question of Cyprus, those hopes had unfortunately been dashed by the negative stance taken by Turkey. The Security Council had subsequently adopted unanimously resolution 716/91, the latest expression of the international community's desire to see a negotiated settlement of the Cyprus problem based on the maintenance of a single independent and sovereign State in Cyprus. It remained to be seen whether the forthcoming visit of the Secretary-General's representatives to Ankara would encourage Turkey to agree to restart the negotiations.

51. Meanwhile, in the occupied territory of Cyprus, the occupying Power had started to distribute illegally so-called definitive titles to the properties of Greek Cypriots who had been forced from their homes in 1974. There were more Turkish settlers and soldiers than Turkish Cypriots in the occupied area and indeed Turkish Cypriots were being driven to emigrate in their thousands because of the oppression by the settlers and the Turkish army. Those catastrophic developments proved Turkey's real intentions, that it had invaded Cyprus with the intention of staying.

52. Another tragic aspect of the continuing human rights violations in Cyprus was the case of the enclaved persons in the occupied area who, due to discrimination, harassment and oppression by the occupation forces, had gradually been forced out of their ancestral homes. In recent years, a great number of grave and often violent acts against enclaved Greek Cypriots had been reported.

53. The tragic question of missing persons has not yet been dealt with in a satisfactory way. The Government of Cyprus had always been in favour of the effective functioning of the Committee on Missing Persons, established in 1981 to investigate the fate of those missing and provide convincing information to their families and relatives.

54. In conclusion, he stressed that a solution to the Cyprus problem was feasible. All that was needed was for the Turkish side to accept basic human rights and democratic rule. Following the developments in Europe and elsewhere it was both tragic and anachronistic that Turkish troops should be still in Cyprus and that the people of Cyprus should be dispossessed of their homes and properties and face barriers to the free exercise of their rights of movement and settlement.

55. Long-term amity, peace and stability could be based on a federal settlement founded on a philosophy of unity, not division. All United Nations resolutions on Cyprus promoted that philosophy and they should be fully respected and implemented. The international community had recently unequivocally declared its will that the new world order should be based on respect for the rule of law and, in particular, the mandatory United Nations resolutions. That was, indeed, a message of hope for the people of Cyprus.

56. Mr. NZEYIMANA (Burundi) said that the international community had reached a consensus on the conditions essential for the restoration of human rights in Cyprus, through various resolutions adopted by the General Assembly, the Security Council and the Commission on Human Rights. Furthermore, in 1977 and 1979, the leaders of the two communities in Cyprus had reached an agreement to establish a federal regime for the two communities.

57. Those two facts showed that there was a serious basis for negotiations between the parties concerned with a view to finding a definitive solution to the question of Cyprus. The situation therefore had not reached an impasse. However, it was time to move forward. The Security Council had renewed the mandate of the Secretary-General to organize an international high-level meeting at which negotiations would take place. Without being overly pessimistic, he thought it unlikely that the negotiations would have been entirely successful by the time the Commission met again. Consequently, his delegation was of the opinion that the question of Cyprus should be considered once more by the Commission at its forty-ninth session.

58. Mr. NOVILLO SARAVIA (Argentina) said that, at a time when the international community was beginning to resolve many conflicts that had long divided various peoples, the question of Cyprus must not be allowed to remain without a rapid and lasting solution. Such a solution should be based on international law, in particular the provisions of the main international human rights instruments, and his delegation reiterated its support for the good-offices mission carried out by the Secretary-General with a view to the implementation of the United Nations resolutions on the question.

59. As stated in Commission resoltuions 1987/50, it was essential that all the human rights of the population of Cyprus, in particular those of the refugees, should be fully restored. In his delegation's view, attempts to

settle in the Varosha area were illegal and should cease forthwith. Freedom of movement and freedom of property in the entire island should also be respected.

60. With regard to the report of the Secretary-General on the question (E/CN.4/1992/25), his delegation could not but share the view that the solution to the problem had to be found in the full acceptance by both Greek Cypriots and Turkish Cypriots that Cyprus was their common home. The Secretary-General's good-offices mission should be continued until the parties to the conflict were convinced of the need to live in peace.

61. His delegation agreed that the status quo could not continue and hoped that the series of talks held at Ankara in August 1991 would form the basis for a high-level international meeting presided over by the Secretary-General, with the participation of the two Cypriot communities and representatives of Greece and Turkey within the context of Security Council resolutions 649 (1990) and 716 (1991).

62. Mr. JAZIC (Yugoslavia) said that, despite the numerous resolutions on Cyprus adopted by United Nations organs and despite the efforts of the Secretary-General and his good-offices mission to find a viable and lasting solution to the Cyprus problem, no progress had yet been made in the human rights situation in Cyprus.

63. At various meetings of the non-aligned countries positions had been adopted which reflected the United Nations resolutions on Cyprus, stressing that the fundamental principles of the settlement were the sovereignty, independence, territorial integrity and non-alignment of the Republic of Cyprus. The well-being and security of the Greek Cypriot and Turkish Cypriot communities would need to be ensured in a bi-communal and bicameral federation. The withdrawal of all occupation forces and settlers, the voluntary return of the refugees to their homes and respect for the human rights and fundamental freedoms of all Cypriots were the essential priorities in seeking a solution to the Cyprus problem based on direct dialogue between the two communities.

64. The contact group of the non-aligned countries on Cyprus would continue to support the intercommunal talks and the efforts of the Secretary-General to achieve a negotiated settlement. For its part, the Commission on Human Rights should continue to insist on the full restoration of all the human rights of the population of the island.

65. Mr. GATAN (Philippines) said that his delegation welcomed the Secretary-General's reaffirmation in his report on his mission of good offices in Cyprus (E/CN.4/1992/25) that progress had been made in preparing a set of ideas for an overall framework agreement. It therefore joined in the appeal that the Secretary-General be given the necessary support to facilitate the achievement of such an agreement, taking into account the plight of the displaced persons and appropriate territorial adjustments.

66. The Commission had contributed towards the safeguarding and restoration of human rights and fundamental freedoms of all Cypriots, by measures such as

the adoption of carefully drafted resolutions. His delegation also joined in the appeal to all the parties concerned to express freely their genuine desire for lasting peace, harmony and accelerated development in Cyprus.

67. Mr. MBARUSHIMANA (Observer for Rwanda) said that human rights violations were particularly flagrant in areas where anachronistic practices such as apartheid, racial discrimination, the systematic denial of the right of peoples to self-determination, foreign interference in the internal affairs of States and armed aggression continued to exist. In that context, his delegation wished to reaffirm his Government's firm dedication to the principles of the Charter of the United Nations and of the Organization of African Unity. It had been amply demonstrated that non-respect for those universally recognized principles not only caused conflict and tension but also led to serious attacks on human rights and fundamental freedoms. As the statements made by the Rwandese Minister for Justice and himself had proved, his Government was determined to do everything possible to ensure that the Rwandese people fully enjoyed all the rights and freedoms set forth in the International Bill of Human Rights.

68. However, he wished to point out that his Government's good intentions were seriously compromised by massive violations of his people's human rights and fundamental freedoms as a result of the aggression from Uganda to which his country had been subjected since 1 October 1990. It was very strange that no organization concerned with the defence of human rights had condemned the numerous attacks committed against the civilian population of northern Rwanda.

69. As indicated by the Minister of Justice, those violations fell into two categories: the murder and kidnapping of civilians and enforced recruitment to the FPR. On the occasions of their numerous attacks, the aggressors had massacred more than 1,600 civilians, many of them women, children and elderly persons, and had driven more than 120,000 persons from their homes. They had forcibly enrolled in their ranks not only kidnapped adults but also children taken from the schools, and had used such persons as human shields.

70. In conclusion, he renewed the wish expressed by the Minister of Justice that all the bodies concerned with the defence of human rights would condemn the attacks committed by the aggressors against the civilian population. If the FPR was not willing to respect the cease-fire signed on 29 March 1991 in Zaire, it should at very least respect the Geneva Conventions.

71. Mr. DUHS (Observer for Sweden) said that he wished to comment briefly on the human rights situation in some of the countries dealt with by special rapporteurs or representatives under agenda item 12.

72. Noting that the Special Representative on the situation of human rights in Cuba had been seriously hampered in carrying out his mandate by the decision of the Government of that country not to cooperate with him, he said that his delegation was perturbed by the reported persecution of dissidents and opponents of the Government.

73. The Special Rapporteur on the situation of human rights in Iraq presented a grim picture of widespread human rights violations, including summary

executions, torture, forced disappearances and detention on political grounds. His delegation was still concerned at the unsatisfactory account of the fate of persons from Kuwait who had been missing since the Gulf conflict. It supported the Special Rapporteur's recommendation that steps should be taken to improve the human rights situation, including his proposal to send a team of human rights monitors to that country.

74. With regard to the human rights situation in Iran, the Special Representative had drawn attention to the high number of executions, which continued to exceed the narrow limits allowed under the International Covenant on Civil and Political Rights. He had also referred to ill-treatment and torture, denial of fair trials for detained persons, and restrictions on the freedom of the press and freedom of association. Reports of discriminatory treatment of persons because of their religious belief, particularly in the case of the Baha'is, also continued to reach delegations.

75. The human rights situation in each of those countries warranted the extension of the mandate of the respective special rapporteurs so that the Commission could continue to monitor developments closely and to make appropriate recommendations.

76. Over the past two years, the Romanian Government had cooperated with the Special Rapporteur in a positive and constructive spirit and, in his report (E/CN.4/1991/28), the Special Rapporteur noted that respect for human rights in Romania continued to improve. His own delegation believed, however, that the Commission should continue to monitor the situation in Romania, although a special rapporteur might no longer be necessary.

77. His delegation welcomed the general direction of developments in the area of human rights and democratic freedoms in the former Soviet Union, including the Russian Federation. Of crucial importance at that stage was the effective translation of policy decisions into practical action by all officials and military who dealt with the average citizen on a daily basis.

78. The human rights situation in Myanmar (Burma) remained serious. He recalled that, at the forty-sixth session of the General Assembly his delegation had submitted a resolution which, inter alia, expressed concern at the information on the serious human rights situation there and stressed the need for an early improvement. He noted that, at the Commission's current session, the delegation of France had submitted a draft resolution on the situation in Myanmar which suggested the appointment of a special rapporteur. The Swedish delegation supported that initiative.

79. His Government continued to be concerned at the human rights situation in China, where no visible improvement of any substance had occurred since the Commission's previous session. In that regard, he referred to detentions for political reasons and the absence of due process with widespread use of the death penalty. His Government's concern also extended to the autonomous region of Tibet, where human rights violations took on a special dimension because of ethnic, cultural and religious factors. On the basis of recent reports, it would seem that repression was centred on monks, nuns and lay Tibetans who peacefully expressed their political beliefs. Many of them had been tortured and ill-treated in detention, practices which he urged the

Chinese Government to discontinue. The human rights situation in Tibet should be closely monitored by the Commission. His delegation welcomed the Chinese Government's willingness to respond positively to requests for fact-finding visits and interpreted that willingness as a recognition of the fact that human rights were a legitimate international concern.

80. His Government condemned the brutal attacks recently committed by the Indonesian armed forces against civilians in East Timor. While welcoming the investigation and report by the Government of Indonesia, it stressed that those responsible must be brought to trial without delay. It encouraged the resumption of a dialogue between Portugal and Indonesia under United Nations auspices.

81. Despite the new policies and decisions adopted by the administration of President Serrano of Guatemala, the human rights situation in that country continued to be of concern. Until tangible results could be observed on the ground in Guatemala, his delegation believed that the situation should continue to be monitored by the Commission under agenda item 12.

82. In Haiti, repression and systematic violations of human rights had become the order of the day since the overthrow of the lawfully elected President and his Government. It was essential that the Commission should pay close attention to developments in that country.

83. His delegation had already, under other agenda items, expressed its concern at the human rights situation in South Africa and the territories occupied by Israel.

84. His Government remained concerned at the situation of human rights in Viet Nam, and expected the Vietnamese Government to take steps to remedy it.

85. Difficult internal problems confronted many countries on the African continent, such as Somalia, Liberia and Zaire. His Government was also following with increasing concern the situation of human rights in the Sudan.

86. Mr. KERKINOS (Greece) said that, since the Turkish invasion of 1974, Cyprus - an independent, sovereign, democratic and non-aligned country - had been occupied as far as a considerable part of its territory was concerned and the Cypriot people continued to be subjected to massive violations of human rights and fundamental freedoms. No call by the Council of Europe, the European Parliament, the non-aligned movement or the United Nations had met with any sign of acceptance by the Turkish side. The 200,000 Greek Cypriots ousted from their houses and property were still denied the right to return home.

87. Lack of cooperation by the Turkish side had meant that not a single case of the 1,619 missing persons had ever been clarified, despite the relevant United Nations resolutions. Furthermore, all kinds of methods had been used with a view to separating the island of Cyprus from its Hellenic ancestry. Eighty thousand colonists had been brought in from Anatolia to be added to the 35,000-strong Turkish army since the 1974 invasion. As a result, the Turkish Cypriots themselves had been obliged to emigrate in their thousands. The goal of the Turkish invasion was to expunge from Cyprus any Greek profile.

88. The status quo for Cyprus was untenable. If efforts were to be made to achieve a new, more peaceful and more righteous world, transgressions could not be denounced selectively. The members of the Commission had to rededicate themselves to respect for human rights and for the rule of law. His own country fully supported the good-offices mission of the Secretary-General and hoped that international efforts would finally persuade Turkey to abide by what was both legal and moral. The independence, territorial integrity and unity of Cyprus must be restored so that its people could live in freedom and security. Greek and Turkish Cypriots alike deserved no less than what was prescribed by the international human rights standards and instruments.

89. Mr. HJELDE (Observer for Norway) said that the remarkable statement by the Minister for Foreign Affairs of the Russian Federation in the Commission on 12 February 1992 had been a tribute and testimony to the indispensable role of human rights defenders in all parts of the world.

90. In his delegation's view, there were three areas which currently deserved priority attention by the Commission. First, there was a need for more adequate machinery for the protection of human rights in emergency situations. His delegation therefore supported the thrust of the proposal by the Government of Austria along those lines. Secondly, there was a need for a higher level of contingency and preparedness for handling ethnic and minority-related conflicts, which should incorporate agreed approaches for the peaceful settlement of disputes. Thirdly, there was a need to re-examine and, if necessary, broaden the conceptual framework for human rights promotion so as to avoid the unintended exclusion of people requiring protection, such as certain categories of displaced persons.

91. The downfall of authoritarian rule in the former Soviet Union had, unfortunately, left the door open not only for democracy but also for long-repressed rivalries. The scope for conflicts such as the one confronting Armenia and Azerbaijan over Nagorno-Karabakh was considerable.

92. Through the Minsk and Alma-Ata Agreements, the countries of the Commonwealth of Independent States had expressed their commitment to build democratic societies based on respect for human rights and the rule of law. They were entitled to international assistance and support in that endeavour. The Conference on Security and Cooperation in Europe (CSCE) provided a framework for such cooperation at the regional level, which should be fully explored.

93. Although the gross and consistent human rights violations in Iraq had been amply documented by the international community, a pattern of flagrant human rights violations in that country still, unfortunately, persisted. His Government continued to be particularly concerned at the plight of the Kurds and of the Shia Arabs and called on the Commission to extend the mandate of the Special Rapporteur for another year. Iraqi disregard for international standards had also been amplified in the interim report of the Special Rapporteur on human rights in Kuwait under Iraqi occupation (E/CN.4/1992/26).

94. With regard to the Kurdish people, his Government continued to be concerned at their situation in Iran and also in other countries in the region.

95. The human rights situation in Iran had not improved, although certain measures had been introduced. His delegation was particularly distressed at the application of the death penalty. In its opinion, the mandate of the Special Rapporteur should be renewed. It hoped that the Iranian Government would cooperate with the United Nations and the representatives of humanitarian organizations such as the International Committee of the Red Cross.

96. In Africa, Governments had taken a number of initiatives to strengthen the rule of law, democratization and political pluralism and he hoped that those developments would soon encompass all parts of the continent. Unfortunately, there was still untold human suffering in Africa caused by internal struggles and insurgency. His delegation was particularly shocked at the reports of massive killings and maltreatment affecting thousands of people in Somalia. It urged all the parties concerned to allow the latest peace efforts to take hold and to open all affected areas for international humanitarian relief operations.

97. While his delegation welcomed the recent move in Kenya towards open and free elections, it appealed once again for the observance of due process of law for political dissidents still held in that country's jails.

98. His delegation regretted the growing use of violence and the continued settlement policy in the territories occupied by Israel. It was essential that all sides should refrain from actions that could endanger the peace process and bring further suffering to the civilian population. He therefore called upon Israel to comply with the provisions of the Fourth Geneva Convention and to rescind its decision to deport 12 civilian Palestinians from the occupied territories.

99. While welcoming a further consolidation of the democratic process in Bangladesh, his delegation appealed to the Government of that country to improve the alarming human rights situation in the Chittagong Hill Tracts.

100. Myanmar remained one of the most repressive countries in the world. Despite international pressure, imprisoned opposition leaders, including the Nobel Peace Prize winner Daw Aung San Suu Kyi, had still not been released. The allegations of serious human rights violations in the areas bordering upon Bangladesh gave reason for added concern. The Government of Myanmar must respect the right of the people of that country to choose its own form of government and take measures to stop the ongoing human rights violations.

101. While commending the Government of Sri Lanka for its efforts to alleviate the human rights situation, his delegation appealed to all parties and armed groups and forces to show restraint and to seek a negotiated settlement of the conflict.

102. The shooting of a large number of civilians in East Timor by Indonesian security forces had shocked the international community. It was essential that the Government of Indonesia should follow up the action it had already taken to clarify that tragic event and to prevent similiar incidents in the future.

103. His delegation appealed to the Government of China to respect the religious and cultural identity of the Tibetan people and to release all political prisoners.

104. His delegation sincerely hoped that the agreement reached on ending the armed conflict in El Salvador would bring peace to that country and ensure respect for human rights there. Having played an important role in the negotiations, the United Nations would also have important responsibilities in implementing the agreement. To that end, his Government had allocated US$ 2 million for immediate use in United Nations activities in El Salvador. A continuation of the mandate of the Special Rapporteur in the current transitional period was also desirable.

105. His Government urged the parties to the conflict in Guatemala to continue to seek an agreement. The human rights situation in that country still gave cause for concern, and its Government must use all available means to ensure that its declared intention to safeguard human rights was carried out in actual fact.

106. In Cuba, persecution of civil rights activists had increased over the past months, and Cuba was thus setting itself apart from the general trend towards democracy in Latin America. The Government of Cuba must ensure full respect for the human rights and fundamental freedoms of the Cuban people.

107. In Peru, the brutal practices of the insurgents bore a heavy responsibility for the human rights situation, but the Government of Peru must also ensure that the armed forces and the police respected human rights.

108. His delegation had received alarming reports of the murder of large numbers of street children in Brazil. His delegation encouraged the Government of Brazil to continue its efforts to remedy the situation in that area.

109. His delegation welcomed the excellent report by the Special Rapporteur on summary or arbitrary executions (E/CN.4/1992/30); his mandate should be renewed for another three years.

110. Mr. KARADJORDJEVIC (World Association for World Federation) said that, at the forty-seventh session of the Commission, his organization had drawn attention to the violation of the human rights of the Serbian population in Croatia and had asked for the support of the international community in urging the Croatian authorities to remedy that situation without delay. Until recently, Yugoslavia's Orthodox, Catholic and Islamic populations and its ethnic minorities had lived together in peace. Serbia was the principal victim of the attempts to break up the Yugoslav State, because an important part of its population inhabited the territory of the secessionist republics.

111. The ethnic conflict between Serbs and Croats had broken out following the declaration of independence by Croatia. The Serbian population in Croatia was rightly convinced that the new Croatian State was undertaking a Croatization of the Serbian part of that republic, in keeping with the old methods of the Ustashi. The non-governmental organization, Helsinki Watch, had recently reported on atrocious crimes committed against the Serbian population in

Croatia, and the Serbian Orthodox Church had confirmed the great difficulty of practising Serbian Orthodox Christianity in Croatia and listed a large number of Serbian Orthodox churches that had been destroyed.

112. The premature recognition of Croatia, which had not concealed its extremist and nationalist inclinations, had already led to the violation of the human and civil rights of persons of other nationalities residing on its soil. Yugoslavia was a reality that certain neighbouring countries wished to contest by making claims on portions of its territory. The decision by the United Nations to send peace-keeping forces to Yugoslavia was, however, a major step towards restoring peace.

113. Ms. MANN (World Organization Against Torture) said that the human rights situation in Turkey remained particularly alarming. In 1991, during the Gulf crisis, the civilian population of Kurdistan had suffered serious repression, the European Convention on Human Rights having been suspended in that region. There were at least 300 cases of detention per week, generally accompanied by mistreatment and indiscriminate torture. Administrative detention could last up to 45 days, usually in solitary confinement, and preventive detention sometimes lasted for several years. According to figures supplied by the Minister of Justice, of the more than 26,000 persons in prison in November 1991, only 10,000 had been sentenced, over 16,000 being in preventive detention. The anti-terrorist legislation made prosecuting cases of torture very difficult. The Turkish authorities must respect the international human rights instruments, in particular the European Convention on Human Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

114. During the past year, her organization had intervened in the Sudan on behalf of dozens of persons who had been illegally arrested, placed in detention, tortured and often sentenced to death or to long terms of imprisonment. The lawyers Kamal El-Gizouli and Adnan Zahir Sirour al Sadati, arrested in January and August 1991, respectively, had been tortured for several weeks before being released.

115. In Madagascar the army had intervened in August 1991 against peaceful demonstrators in the capital, killing 14, and there had been similar incidents in other areas. Despite promises, the authorities had not taken effective measures to open an inquiry. The Commission should monitor closely the human rights situation in that country.

116. Over the past 12 months, her organization had received information of repeated arrests and beatings of persons who had demonstrated for an independent Tibet, displayed the banned Tibetan flag, published leaflets, possessed anti-Chinese propaganda or shouted anti-Chinese slogans. Following a visit by the United States Ambassador and, later, by a Swiss delegation to Drapchi Prison in 1991, a number of prisoners had been severely beaten and placed in isolation because they had protested against the Chinese occupation and the mistreatment of two prisoners who had tried to pass a message to the United States Ambassador during his visit. Figures received on the number of persons detained in Tibetan prisons were dramatically higher than those provided by the Government. The Commission must urge the Chinese authorities

to comply with resolution 1991/10 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and respect the legislation on the treatment of prisoners and human rights in general.

117. Her delegation had reports from Bhutan of arbitrary arrests and torture of persons involved in human rights campaigns and the death of a number of persons in police custody, of shootings of demonstrators both inside Bhutan and in India by the Bhutanese security forces, of kidnappings and of the unlawful extradition of persons to Bhutan. Political parties were banned, and associations, unions and organizations other than those established by the Government were forbidden. In the absence of a written constitution, there were no safeguards to ensure justice. Despite denials by the authorities, there had been recent evidence of forced deportations, particularly of persons deprived of their nationality. As many as 45,000 persons had taken refuge in Nepal and India as a result of deportations from Bhutan during 1990 and 1991, and their numbers were growing daily. The Government of Bhutan must ratify the most important human rights instruments and put an end to the current repression in the country.

118. While the Government of South Korea maintained that it held no political prisoners, her organization had received a report, dated 9 September 1991, according to which 1,300 political prisoners were still in detention. Summary executions and torture were widespread. Legislation prohibited freedom of conscience and thought. Most of the political prisoners had been arrested for demonstrating in favour of basic human rights or protesting against the economic situation. The Government of South Korea must release all political prisoners, ratify the Convention against Torture and respect its obligations under the International Covenant on Civil and Political Rights.

119. Since the beginning of the Indonesian occupation in 1975, 200,000 persons in East Timor, close to one-third of the population, had been killed. In November 1991, Indonesian security forces had opened fire on peaceful demonstrators, killing between 100 and 200 persons, and those responsible had benefited from immunity. The Commission must adopt resolutions on the situation in East Timor urging an end to the genocide being committed against the population there.

120. Despite the promises made by the authorities in Zaire, her organization continued to receive reports of serious human rights violations in that country. The situation had been highlighted a few days previously by the deaths of a number of peaceful demonstrators gunned down by members of the presidential guard.

121. Following attacks on the civilian population, police stations and army barracks by suspected extremists in November 1991, the authorities of Burundi had embarked upon a particularly brutal repression of the defenceless civilian population. There had been persistent reports of illegal or arbitrary arrests, mistreatment and torture.

122. In Honduras, no effective measures had been taken to clarify the cases of forced disappearances from the 1980s or to put an end to the illegal activities of the army and the security forces. Military courts still tried members of the security forces accused of crimes against the civilian

population. In 1991, an amnesty had been decreed which had benefited the persons responsible for human rights violations. Over the past year, her organization had continued to receive allegations of torture, illegal or arbitrary detention, massacres of peasants, murders committed by agents of the State and death threats and summary executions carried out by civilians.

123. Her organization was encouraged by the signing of the peace agreement in El Salvador. It could not, however, ignore the existence of certain groups that encouraged violence as a means of solving the country's problems, as could be seen in the death threats recently levelled against the National Council of Churches and the abduction of one of its members. The absence of effective inquiries into such incidents or of reparations for injuries suffered hindered the search for a lasting peace. The Commission must continue to focus on the situation in El Salvador, and the United Nations must give technical assistance in the field of human rights in order to consolidate the peace process.

124. Mrs. NGUYEN THI NHA (Observer for Viet Nam), speaking in exercise of the right of reply, said that according to the delegation of Portugal, speaking on behalf of the European Community, Viet Nam's draft constitution of 1991 had, for the first time, established guarantees for freedom of the press and the freedoms of assembly, travel and association. However, article 67 of the 1980 Constitution not only ensured freedom of speech, freedom of the press, freedom of assembly and freedom of association, but even stipulated that the State must create the necessary material conditions for the exercise of those rights. Like all independent and sovereign States, Viet Nam's national laws would be enforced whenever they were violated, irrespective of the social position or activity of the violators.

125. Mr. ALFONSO MARTINEZ (Cuba), speaking in exercise of the right of reply, referred to a statement made earlier by the International Confederation of Free Trade Unions to the effect that Cuba was resisting the global trend towards democratization and respect for basic human rights. He wished to inform the representative of that non-governmental organization that the Cuban revolution had in fact already ushered in democracy and recognition of human rights. For the information of that representative, the single trade union was not the creation of the Cuban revolution but had been the fruit of a victory won by workers in 1939 which, needless to say, the Cuban revolution of 1959 intended to protect.

126. Replying to the assertion of the representative of the International Union of Young Christian Democrats that young Cubans could not achieve social advancement, he said that the Cuban revolution had provided broad access to education and health care for youth; perhaps that representative should examine the situation of young people in the market economies of Europe and the United States of America. Concerning the representative's desire to defend the right of the Cuban people to elect its Government in free elections, one of the reasons for the Cuban revolution had been to do away with the farce of representative elections, as experienced in Cuba before 1959.

127. All the cases cited by the representative of the International Association of Educators for World Peace were unfounded. From the point of

view of human dignity, Cuba compared favourably with the United States of America. The representative did not know the Cuban people very well, because otherwise he would have realized that Cubans refused to be oppressed and would never have tolerated the terrorist regime that he depicted.

128. The representative of Sweden had stated that the Cuban Government's failure to cooperate with the Secretary-General had had an adverse effect on the human rights situation in Cuba. Taking its lead from the United States of America, Sweden had voted in favour of Commission on Human Rights resolution 1991/68. His Government had already stated that it could not cooperate with the Secretary-General, because it regarded the resolution in question as having been manipulated by the United States of America.

129. The representative of Norway had expressed concern about the so-called human rights situation in Cuba, saying that Cuba was moving against the general trend towards democracy in Latin America. Cuba would never go back to the situation before 1959, which had been characterized by massive human rights violations against the vast majority of the Cuban people.

130. Mr. SALMAN (Iraq), speaking in exercise of the right of reply, said that the International Union of Young Christian Democrats had made ridiculous allegations concerning Iraq, and his delegation refused to respond to them. The statements of the representatives of Sweden and Norway had been based solely on the report of the Special Rapporteur (E/CN.4/1992/31) and had ignored a much greater crime, the economic blockade, which affected the entire population of Iraq.

The meeting rose at 1.05 p.m.